

MINUTES OF MEETING
EAST COUNTY BOARD OF ZONING ADJUSTMENTS
JUNE 28, 2007
(APPROVED JULY 26, 2007)

The meeting was held at the hour of 1:30 p.m. in the City of Pleasanton Council Chambers, 200 Old Bernal Avenue, Pleasanton.

FIELD TRIP: 9:00 a.m.

MEMBERS PRESENT: Members Jon Harvey, Chair; Larry Gosselin and Jim Goff

OTHERS PRESENT: Jana Beatty, Senior Planner

FIELD TRIP: The Boardmembers visited the property on their own:

1. **KHAN PETROLEUM, INC., CONDITIONAL USE PERMIT, C-8594** ~ Application to allow continued operation of a 'Type A' service station, in a P-D-ZU-1579 [Planned Development, 1579th Zoning Unit, allowing H-1 (Highway Frontage)] District, located at 3004 Andrade Road, east side, approximately 175 feet south of Mission Road, Sunol area of unincorporated Alameda County, bearing Assessor's Parcel Number: 096-0001-007-07.

REGULAR MEETING: 1:30 p.m.

ELECTION OF BOARDMEMBERS for the year 2007-2008 ~ The Chair made a motion to nominate Member Gosselin as the new Chair and Member Goff seconded. Member Goff made the motion to nominate Chair Harvey as the Vice-Chair and Member Gosselin seconded. Both motions carried unanimously.

MEMBERS PRESENT: Members Jon Harvey, Chair; Larry Gosselin and Jim Goff.

OTHERS PRESENT: Jana Beatty, Senior Planner and Nilma Singh, Recording Secretary.

There were three people in the audience.

CALL TO ORDER: The meeting was called to order by the Chair at 1: 35 p.m.

OPEN FORUM: Open forum is provided for any members of the public wishing to speak on an item not listed on the agenda. Each speaker is limited to three (3) minutes. *No one requested to be heard under open forum.*

ANNOUNCEMENTS BY THE CHAIR: *None.*

CONSENT CALENDAR:

1. **BOSCO and GERARDA STOCKING, WILLIAM SPEER, JR. and CLAUDE HENSLEY, VARIANCE, V-11924** – Application to modify a nonconforming use (commercial use in an area designated by the General Plan as

- WM) so as to operate an event center with on-site alcohol sales, in a Water Management (ECAP) District, located at 11984 and 11986 Main Street, south side, end of Kilcare Road, unincorporated Sunol area of Alameda County, bearing Assessor's Parcel Number: 0096-0140-002-07. (Continued from June 23, July 28, September 29 and December 15, 2005, May 25, August 24 and October 26, 2006, January 25 and March 22, 2007; to be continued to September 27, 2007).
2. **NICA METALS, CONDITIONAL USE PERMIT, C-8398** ~ Application to allow continued operation of a metal recycling facility, in a M-2 (Heavy Industrial) District, located at 101 N. Greenville Road, east side, approximately 712 feet south of Front Road, Livermore area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 099B-5100-001-33. (Continued from March 30, April 27, May 25, June 29, July 27, September 28, October 26 and December 14, 2006, and January 25, March 22, April 26 and May 24, 2007; to be continued to July 26, 2007).
 3. **FOSCALINA/LAMB SURVEYING, INC., VARIANCE, V-12064** ~ Application to approve as a building site one parcel reduced in area from the required 100 acres to 39.82 acres and a boundary adjustment between two parcels, in an "A" (Agricultural) District, located at 3073 Cross Road, west side, approximately 0.3 mile south of Patterson Pass Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099A-1750-004-00. (Continued from May 24, 2007; to be continued to July 26, 2007).
 4. **JOHN CIMINO and MICHELLE SIFUENTES, VARIANCE, V-12076** – Application to allow reconstruction of a barn covering more than 30% of the required rear yard, in a R-1-B-10 (Single Family Residential, 10,000 square foot Minimum Building Site Area) District, located at 3548 Vine Street, south side, approximately 372 feet west of Bernal Avenue, unincorporated Pleasanton area of Alameda County, bearing Assessor's Parcel Number: 0946-1708-002-02. (To be continued to July 26, 2007).
 5. **LELAND STANLEY, VARIANCE, V-12067** ~ Application to create a building site without frontage on an approved County road and a parcel five acres in size where 100 acres is the minimum allowed, in an "A" (Agricultural) District, located at 4270 North Livermore Avenue, west side, approximately 1,000 feet northeast of May School, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 903-0006-003-05. (Continued from May 24, 2007; to be continued to July 26, 2007).

At the request of the Board, Ms. Beatty explained the following: #1, V-11924, is being continued and the she had explained the reasons for the continuance. Per Mr. Amoroso, APD, Sunol downtown is in the process and, as such, all applications for that area are on hold. She did not have an up-date on #2 adding that Andy Young is the staff planner assigned to this project. Item #4, V-12076, the applicant is revising the project and the Member Goff further requested clarification on the annexation process; and items 3 and 5 are both being revised and related to Measure D. Discussions are currently on-going with County Counsel. *Member Gosselin made the motion to approve the Consent Calendar per staff recommendations and Member Goff seconded. Motion carried unanimously.*

REGULAR CALENDAR:

1. **KHAN PETROLEUM, INC., CONDITIONAL USE PERMIT, C-8594 ~**
Application to allow continued operation of a 'Type A' service station, in a P-D-ZU-1579 [Planned Development, 1579th Zoning Unit, allowing H-1 (Highway Frontage)] District, located at 3004 Andrade Road, east side, approximately 175 feet south of Mission Road, Sunol area of unincorporated Alameda County, bearing Assessor's Parcel Number: 096-0001-007-07. (Continued from May 24, 2007).

Ms. Beatty presented the staff report adding that the application was heard by the Sunol Advisory Council. The Chair noted receipt of a letter in support of the super-store. In reference to the second paragraph on page 6, Member Gosselin asked if this property had a new zoning post Measure D and pointed out that this facility did not have a permit for ten years. Staff noted the paragraph under General Plan Designation on Page 2.

Public testimony was called. Michael Villalobos, consultant, explained that under the previous owner/name, Sunol Superstore, there had been a lot of issues/concerns. The applicant has taken over the responsibility of contamination and a copy of the geologist's report has been provided to staff. Residual is all that remains. The only pending issue is the T-Bear Ranch which has well-water filtration system. The wells, monitored quarterly, show no contamination. Currently, the applicant is providing fuel and operating a mini-mart. Mr. Villalobos noted that page 3 of the staff report states 'Type B'. Since there is no mechanic currently nor an intent to provide one in the future, the applicant had filed for a Type A only. In response to Member Gosselin, he confirmed that the applicant would like to retain the service booth although Condition #3 requires the removal of it.

Public testimony was closed. The Board discussed Condition #3 including the possibility of the booth removal per Fire Department, modifying the condition, elimination of Condition #3 as the requirement could be covered under Condition #11 and/or eliminating this portion of the condition. In reference to the term of the permit, the Board unanimously agreed that ten years, as requested by the applicant, would be too long and instead thought five years would be appropriate. *Member Gosselin made the motion for an approval per staff recommendation with the following two modifications: 1) Condition #3 to read "Within 30 days of this approval, the operator shall obtain a fire inspection at the owner's expense" and condition #15 to read: "Expiration in five years". Member Goff seconded and the motion carried 3/0.*

Approval of Minutes – May 24, 2007 ~ The Chair made the following corrections: field trips were not made to #1 and #3; page 4, last paragraph for Item #4 to reflect that staff did not have a solid recommendation for action since the existence of the lot line was not established; page 5, second paragraph to include: "The Board pointed out that the sloping 22 feet roof might be more visually appealing than the 15 feet high wall.". *He made the motion to approve the May 24th Minutes with the above modifications and Member Goff seconded. Motion carried unanimously.*

STAFF COMMENTS & CORRESPONDENCE: Staff discussed the July hearing and will confirm the status.

CHAIR'S REPORT: *None.*

BOARD ANNOUNCEMENTS, COMMENTS AND REPORTS: *None.*

ADJOURNMENT: There being no further business, the hearing was adjourned at 2:15 p.m.

CHRIS BAZAR - SECRETARY
EAST COUNTY BOARD OF ZONING ADJUSTMENTS